

1 WILLIAM A. ISAACSON (*Pro hac vice*)  
(wisaacson@bsfllp.com)  
2 STACEY K. GRIGSBY (*Pro hac vice*)  
(sgrigsby@bsfllp.com)  
3 NICHOLAS WIDNELL (*Pro hac vice*)  
(nwidnell@bsfllp.com)  
4 BOIES SCHILLER FLEXNER LLP  
5 1401 New York Avenue, NW  
Washington, DC 20005  
6 Tel: (202) 237-2727; Fax: (202) 237-6131

7 RICHARD J. POCKER #3568  
(rpocker@bsfllp.com)  
8 BOIES SCHILLER FLEXNER LLP  
9 300 South Fourth Street, Suite 800  
Las Vegas, Nevada 89101  
10 Tel: (702) 382-7300; Fax: (702) 382-2755

11 DONALD J. CAMPBELL #1216  
(djcc@campbellandwilliams.com)  
12 J. COLBY WILLIAMS #5549  
(jcw@campbellandwilliams.com)  
13 CAMPBELL & WILLIAMS  
14 700 South 7th Street  
Las Vegas, Nevada 89101  
15 Tel: (702) 382-5222; Fax: (702) 382-0540

16 *Attorneys for Defendant Zuffa, LLC, d/b/a*  
17 *Ultimate Fighting Championship and UFC*

18  
19 **UNITED STATES DISTRICT COURT**

20 **DISTRICT OF NEVADA**

21 Cung Le, Nathan Quarry, Jon Fitch, Brandon  
22 Vera, Luis Javier Vazquez, and Kyle Kingsbury,  
on behalf of themselves and all others similarly  
situated,

23 Plaintiffs,

24 v.

25 Zuffa, LLC, d/b/a Ultimate Fighting  
26 Championship and UFC,

27 Defendant.  
28

No.: 2:15-cv-01045-RFB-(PAL)

**DECLARATION OF STACEY K.  
GRIGSBY IN SUPPORT OF  
DEFENDANT ZUFFA, LLC'S REPLY  
IN SUPPORT OF ITS MOTION FOR  
SUMMARY JUDGMENT**

1 I, Stacey K. Grigsby, declare as follows:

2 1. I am a member in good standing of the bar of the District of Columbia and the bar of  
3 the State of New York. I am admitted *pro hac vice* to practice before this Court. I am a Partner in  
4 the law firm Boies Schiller Flexner LLP (“BSF”), counsel for Zuffa, LLC (“Zuffa”) in the above  
5 captioned action in the U.S. District Court for the District of Nevada, *Le et al. v. Zuffa, LLC*, No.  
6 2:15-cv-01045-RFP-PAL.

7 2. I make this declaration in support of Zuffa’s Reply in Support of its Motion for  
8 Summary Judgment (“Reply”). Based on my personal experience, knowledge, and review of the  
9 files, records, and communications in this case, I have personal knowledge of the facts set forth in  
10 this Declaration and, if called to testify, could and would testify competently to those facts under  
11 oath.

12 3. Certain of the exhibits below have red boxes added to mark those portions of each  
13 exhibit cited in the Reply. They are otherwise true and correct copies of each document described  
14 below.

15 4. Exhibit 113 is a true and correct copy of each paragraph of Plaintiffs’  
16 Counterstatement of Facts and Zuffa’s response to each. Exhibit 113 is provided for the Court’s  
17 convenience and Zuffa’s responses contained therein do not contain any material not also reflected in  
18 Zuffa’s Reply.

19 5. Exhibit 114 is a summary exhibit, created under my direction, of ranked athletes who  
20 competed for Absolute Championship Berkut (“ACB”) during the years 2013-2016. The input data  
21 for this summary exhibit is the “Sherdog Denom for Market Shares.dta,” which is a Stata dataset  
22 included in the backup to Dr. Singer’s first report. The data was summarized through the following  
23 steps: Filter to include only 2013-2016 using event\_year, filtered to observations with promoter  
24 “Absolute Championship Berkut.” Filter to include only ranked athletes using, dRNK=1. Calculate  
25 the athlete’s best rank for bouts with ACB by taking the lowest value of max\_rank for each fighterid-  
26 event-year pair. Drop the duplicate values of fighterid. Output is the fields event\_year, promoter,  
27 SD\_fighter and the calculated best rank. The information summarized in this exhibit is voluminous  
28 and in its original form cannot be conveniently examined or counted. Upon request, Zuffa will

1 provide to Plaintiffs the computer files used to extract the relevant data and to generate the exhibit.

2 6. Exhibit 115 is a true and correct copy of excerpts of the deposition of Michael  
3 Mersch, taken on July 14, 2017.

4 7. Exhibit 116 is a true and correct copy of an excerpt of the deposition of Ike Lawrence  
5 Epstein, taken on May 6, 2017.

6 8. Exhibit 117 is a true and correct copy of a letter issued by the FTC, dated January 25,  
7 2012 and available at [https://www.ftc.gov/sites/default/files/documents/closing\\_letters/zuffa-llc/explosion-entertainment-llc/120125zuffa.pdf](https://www.ftc.gov/sites/default/files/documents/closing_letters/zuffa-llc/explosion-entertainment-llc/120125zuffa.pdf) and downloaded on November 2, 2018.

9 9. Exhibit 118 is a true and correct copy of excerpts of the deposition of Colin Neville of  
10 third party The Raine Group, taken on August 8, 2017.

11 10. Exhibit 119 is a true and correct copy of an excerpt of a document produced in this  
12 litigation by third party The Raine Group bearing the Bates number RAINE000019 on the first page  
13 of the document that is a presentation on Zuffa's Business in Brazil.

14 11. Exhibit 120 is a true and correct copy of excerpts of the deposition of Professor Roger  
15 Blair, Ph.D., taken on December 8, 2017.

16 12. Exhibit 121 is a true and correct copy of excerpts of the deposition of Dr. Hal J.  
17 Singer, Ph.D., taken on January 23, 2018.

18 13. Exhibit 122 is a true and correct copy of excerpts of Plaintiffs' First Amended  
19 Answers to Defendant Zuffa, LLC's First Set of Interrogatories to Plaintiffs Le, Quarry, Fitch, Vera,  
20 Vazquez and Kingsbury and Plaintiffs' Verifications of their answers to those Interrogatories.

21 14. Exhibit 123 is a true and correct copy of excerpts of Plaintiffs' Answers to Defendant  
22 Zuffa, LLC's Second Set of Interrogatories to Plaintiffs Le, Quarry, Fitch, Vera, Vazquez,  
23 and Kingsbury and Plaintiffs' Verifications of their answers to those Interrogatories.

24 15. Exhibit 124 is a summary exhibit, created under my direction, showing a chart of the  
25 overseas promoters with at least 4 ranked athletes in 2013 that were excluded from Dr. Singer's  
26 Ranked market and the athletes and their ranks who compete for those promoters who were  
27 excluded. The data was summarized through the following steps: the input data for this summary  
28 exhibit is the "Sherdog Denom for Market Shares.dta," which is a Stata dataset included in the

1 backup to Dr. Singer's first report. The data are at an athlete-bout level. The data was filtered to  
 2 include only 2013 using the event\_year. Generate a flag for athletes that fought bouts for rival  
 3 promoters in the Ranked Market in each year, using fighterid to identify athletes, dFMrA=1 and  
 4 zuf\_flag=0 to identify bouts for rival promoters in the Ranked Market, and event\_year to identify the  
 5 year of the bout. Then, a flag for athletes that fought bouts for Zuffa in 2013 was identified by using  
 6 zuf\_flag=1 to identify Zuffa bouts, and fighterid to identify athletes. The data was then filtered to  
 7 include only ranked athlete bouts at overseas promoters using dRNK=1 and NA\_Flag\_Promoter=0  
 8 and dFMrA=0. The number of unique ranked athletes per year for each promoter were then counted  
 9 using fighterid and event\_year to identify the year of the bout. The data was then filtered to  
 10 promoter-years where the count of ranked athletes is 4 or more. Where the athlete fought for a rival  
 11 Ranked Market promoter in the same year, the athlete-bouts were dropped. The athlete's best rank  
 12 for bouts with each promoter was then calculated by taking the lowest value of max\_rank for each  
 13 fighterid-promoter pair. Duplicate values of promoter-fighterid were dropped. The output is the  
 14 fields promoter, SD\_fighter, and the calculated best rank.

15 To identify the overseas promoters with 4 ranked athletes, the Sherdog Denom data set was  
 16 filtered to 2013 using the event\_year filter. Then a flag was created for athletes that fought bouts for  
 17 Zuffa in 2013 using zuf\_flag=1 to identify Zuffa bouts and fighterid to identify athletes. Filter the  
 18 data to include only ranked athlete bouts at Ranked Market promoters using dRNK=1 and dFMrA=1  
 19 and zuf\_flag=0. Count the number of unique ranked athletes per year for each promoter, using  
 20 fighterid to identify athletes and event\_year to identify the year of the bout. Filter the promoter to  
 21 years where this count of ranked athletes is exactly 4. Calculate the athlete's best rank for bouts  
 22 with each promoter by taking the lowest value of max\_rank for each fighterid-promoter pair. Drop  
 23 duplicate values of promoter-fighterid. The output is the fields promoter, SD\_fighter, and the  
 24 calculated best rank. The information summarized in this exhibit is voluminous and in its original  
 25 form cannot be conveniently examined or counted. Upon request, Zuffa will provide to Plaintiffs  
 26 the computer files used to extract the relevant data and to generate the exhibit.

27 16. Exhibit 125 is a true and correct copy of excerpts of the deposition of Hal Singer,  
 28 taken on September 27, 2017.

1           17.     Exhibit 126 is a summary chart, created under my direction, listing the current UFC  
2 champions by weight class from the 10 “major” MMA weight classes as defined in Ex. 70, Singer  
3 Rep. ¶ 95. The UFC Champions are listed at <http://www.ufc.com/rankings?id=> (last accessed Oct.  
4 31, 2018). The information was summarized as follows: To identify the first UFC bout or post-  
5 acquisition Strikeforce bout, the athlete’s name was run through the Sherdog.com database, which  
6 lists each of the athlete’s professional bouts including the promoter the athlete competed for and the  
7 date of the bout (e.g., <http://www.sherdog.com/fighter/Robert-Whittaker-45132>). To identify the  
8 athlete’s rank as of the first UFC or post-acquisition Strikeforce bout, the athlete’s name was run  
9 through the FightMatrix “Fighter Search” webpage (<http://www.fightmatrix.com/fighter-search/>) and  
10 the athlete’s ranking from the publication immediately before the first bout was listed. The  
11 individual athlete’s complete FightMatrix ratings are included as part of Ex. 126. The information  
12 summarized in this exhibit is voluminous and in its original form cannot be conveniently examined  
13 or counted.

14           18.     Exhibit 127 is a true and correct copy of an excerpt of the deposition of Brandon  
15 Vera, taken on February 16, 2017.

16           19.     Exhibit 128 is a chart that summarizes the number of bouts per year promoted by  
17 Zuffa. The chart was created under my direction. The number of Zuffa bouts includes bouts  
18 promoted under the UFC brand in addition to post-acquisition WEC, Pride, and Strikeforce bouts.  
19 The total number of bouts summarized in this chart is 4,482 bouts, a voluminous number of bouts  
20 listed in a data file that cannot be conveniently examined or counted. The data regarding the  
21 individual bouts comes from a file provided in backup files from one of Plaintiffs’ experts, Dr. Hal J.  
22 Singer, named “All Sherdog Scrape.dta” that includes data on events and bouts taken from the  
23 website [sherdog.com](http://www.sherdog.com). Upon request, Zuffa will provide to Plaintiffs the computer files used to  
24 extract the relevant data and to generate the chart.

25           20.     Exhibit 129 is a true and correct copy of excerpts of the 30(b)(6) deposition of Ike  
26 Lawrence Epstein on the topic of acquisitions taken on December 2, 2016.

27           21.     Exhibit 130 is a true and correct copy of excerpts of the deposition of Michael  
28 Mersch, taken July 14, 2017.

22. Exhibit 131 is a summary exhibit, created under my direction, showing overseas promoters and athletes that have been excluded from Dr. Singer's ranked market. The input data for this summary exhibit is the "Sherdog Denom for Market Shares.dta," which is a Stata dataset included in the backup to Dr. Singer's first report. The data was summarized as follows:

The data is at an athlete-bout level. Column B shows the number of Zuffa athletes by year. This is calculated the following way: (1) Filter the Sherdog Denom for Market Shares.dta data to include bouts in 2010-2016 using event\_year, (2) filter the data to include only Zuffa bouts using zuf\_flag=1, (3) count the unique athletes with Zuffa bouts in each year, using the fighterid to identify unique athletes, and event\_year to identify the year of the bout.

Column C shows the count of athletes at rival promotions included in the Ranked market. This is calculated the same way except for step 2, the data is filtered to only included Rival Market bouts using dFMrA=1 and zuf\_flag=0.

To calculate the median number of ranked athletes per year at a rival promoter in Singer's Ranked market, the data was filtered as described for column C above. To calculate the maximum number of unique ranked athletes for year, use the fighterid to identify athletes and event\_year to identify bout year. If, for example, a promoter has 0 ranked athletes in 2010-2014, 5 ranked athletes in 2015, and 10 ranked athletes in 2016, the maximum for this promoter is 10. The median was then calculated from the maximums from all rival promoters. This equals 4.

Column D shows the number of overseas promoters with at least 4 ranked athletes in a given year and Column E shows the number of unique athletes with bouts at these added overseas promoters in a given year. The Sherdog Denom data set was filtered to only include event\_year 2010-2016. Athletes who competed in bouts for rival promoters in the Ranked market were flagged using fighterid to identify athletes, dFMrA=1 and zuf\_flag=0, and event\_year to identify the year of the bout. The data was filtered to only include ranked athlete bouts at overseas promoters using dRNK=1 and NA\_FLAG\_Promoter=0 and dFMRA=0. The number of unique athletes ranked athletes that competed per year for each promoter was then counted and listed in Column D. Athlete-bouts where the athlete fought for a rival Ranked Market promoter in the same year were dropped. The number of unique athlete at the added overseas promoter each year were counted

1 using the fighterid to identify athletes and event\_year to identify bout year. This is reported in  
2 Column E. The information summarized in this exhibit is voluminous and in its original form  
3 cannot be conveniently examined or counted. Upon request, Zuffa will provide to Plaintiffs the  
4 computer files used to extract the relevant data and to generate the exhibit.

5 23. Exhibit 132 is a true and correct copy of an excerpt of the deposition of Lorenzo  
6 Fertitta, taken on March 23, 2017.

7 24. Exhibit 133 is a true and correct copy of Conor McGregor's Quarterly Generated  
8 Historical Rankings from FightMatrix, available at [http://www.fightmatrix.com/fighter-](http://www.fightmatrix.com/fighter-profile/Conor+McGregor/15859/)  
9 [profile/Conor+McGregor/15859/](http://www.fightmatrix.com/fighter-profile/Conor+McGregor/15859/) and downloaded on November 2, 2018.

10 25. Exhibit 134 is a true and correct copy of the Conor McGregor "Notorious" profile  
11 from Sherdog, available at <http://www.sherdog.com/fighter/Conor-McGregor-29688> and  
12 downloaded on November 2, 2018.

13 I declare under penalty of perjury under the laws of the United States of America that the  
14 foregoing facts are true and correct. Executed this 2nd day of November, 2018 in Washington, DC.

15  
16 /s/ Stacey K. Grigsby

17 Stacey K. Grigsby  
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